

JANET M. HEROLD
Regional Solicitor
DAVID M. KAHN
Counsel for Employment Standards
LEON PASKER
Hawaii State Bar No. 8505
Senior Trial Attorney
ROSE DARLING
Trial Attorney
California State Bar No. 243893
United States Department of Labor
Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, California 94103
Telephone: (415) 625-7743
Facsimile: (415) 625-7772
email: pasker.leon@dol.gov

Attorneys for the Plaintiff, Hilda L. Solis, Secretary
United States Department of Labor

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

HILDA L. SOLIS, Secretary of Labor, United States Department of Labor,) Case No. 4:12-cv-00116 (PJH/NC)

Plaintiff,

v.

SEAFOOD PEDDLER OF SAN RAFAEL, INC., dba SEAFOOD PEDDLER, a corporation; ALPHONSE SILVESTRI, an individual, RICHARD MAYFIELD, an individual, and FIDEL CHACON, an individual,

Defendants.

**~~[PROPOSED]~~ PROTECTIVE ORDER
PROHIBITING INQUIRY BY
DEFENDANTS INTO WITNESSES'
GOVERNMENT INFORMANT OR
IMMIGRATION STATUS**

Hon. Nathanael Cousins

Plaintiff Hilda L. Solis, Secretary of Labor, United States Department of Labor, filed a motion for protective order under Fed. R. Civ. P. 26(c), which came on for hearing before the Court on September 19, 2012. After considering the parties' joint letter brief regarding the

1 Secretary's motion and the arguments advanced by counsel during the hearing, it is hereby
 2 ORDERED that Defendants are prohibited from:

3 1. Asking any witness during a deposition, directly or indirectly, whether he or she
 4 or any other person spoke to, gave a statement to, or exchanged documents or other tangible
 5 things with the United States Department of Labor, or any of its agents, employees or
 6 investigators (collectively "DOL"). Should Defendants ask during a deposition whether a
 7 witness discussed the subject matter of this case with anyone, gave a statement to or exchanged
 8 documents or other tangible things with anyone, Defendants must begin the inquiry by stating,
 9 "with the exception of any agent of the United States Department of Labor/DOL;"

10 2. Asking any witness during a deposition, directly or indirectly, about the content of
 11 any communication, including any statement, email or correspondence, between the witness or
 12 any other person and DOL;

13 3. ~~Asking any witness during a deposition, directly or indirectly, any questions~~
 14 ~~concerning the immigration status of the witness or any other person, including any questions~~
 15 ~~regarding:~~

- 16 (a) ~~The existence or content of any documents concerning the person's immigration~~
 17 ~~status, including but not limited to, birth certificates, passports, Visas, Green Cards,~~
 18 ~~Permanent Resident Cards, Employment Authorization Cards, I-9s, or any other~~
 19 ~~forms of the U.S. Citizenship and Immigration Service;~~
- 20 (b) ~~The witness's or other person's country of birth, birth name, or any other aliases~~
 21 ~~used at any time;~~
- 22 (c) ~~Whether the witness or other person spoke to, gave a statement to or exchanged~~
 23 ~~documents or other tangible things with DOL or any other agent of the United~~
 24 ~~States government concerning the witness's and/or any other person's immigration~~
 25 ~~status;~~
- (d) ~~The witness's or other person's social security or tax payer identification number,~~
~~or lack thereof; and~~
- (e) ~~Whether the witness or other person paid income taxes, sought or obtained tax~~
~~advice, or prepared or filed an income tax return, including the content of any tax~~
~~returns.~~

1 4. Requesting that a deponent subpoenaed under Fed. R. Civ. P. 45 produce
2 documents that:

- 3 (a) ~~Refer or pertain to DOL; were provided by the witness or any other person to DOL;~~
4 ~~or constitute any communications between the witness and DOL; or~~
- 5 (b) ~~Directly or indirectly concern the immigration status of the witness or any other~~
6 ~~person, including any documents relating to the issues addressed above in Item No.~~
7 ~~3.~~

8 5. The restrictions of this protective order do not apply at trial of this matter without
9 further order of the Court.

10 IT IS SO ORDERED.

11 Dated: September 24, 2012

